IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 14364 of 2005

Between:

Narangi Devi, w/o Dwaraka Pershad,
r/o 5-5-57/16, Darusalam, Hyderabad.

..... PETITIONER

AND

1 The Secretary, Municipal Administration,

Secretariat, Hyderabad.
2 The Commissioner, Municipal Corporation of Hyderabad,

Tankbund, Hyderabad.
3 The Assistant City Planner, Municipal

Corporation of Hyderabad, Circle VI, Abids, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of mandamus declaring the action of the respondents trying to demolish, stall traffic to the petitioner's business premises bearing No.5-5-57/3, admeasuring 2141 sq.yds., situated at Darusalam, Goshamahal, Hyderabad without following due process of law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.H.V.R.R.SWAMY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2 and 3: MR GANTA RAMARAO

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of the respondents in trying to demolish the premises of the petitioner and stall traffic to the petitioner's business premises bearing No.5-5-57/3, admeasuring 2141 sq.yards, situated at Darusalam, Goshamahal, Hyderabad without initiation of proceedings under the Land Acquisition Act and without following the due process of law, as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent/Municipality.

The learned counsel for the petitioner contended that the petitioner is the absolute owner of the property mentioned in the writ petition and she has not encroached any Government site. It is her further contention that the said premises are used as non-residential since 1963 and she has been running an oil mill and the respondent Corporation has been collecting taxes from the petitioner regularly. Basing on false complaints and at the instance of her business rivals, without following due procedure and without initiating any land acquisition proceedings, and without issuing any notice, the respondents are trying to demolish her premises and stall the traffic to her business premises.

On the other hand, the learned counsel for the respondent Municipality contended that on mere apprehension only, the petitioner filed this writ petition, and the respondents have not been taken any steps for demolition of premises of the petitioner.

The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

Following the guidelines issued by this Court in the above referred judgment, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to take any steps for demolition of premises of the petitioner and stall the traffic to her premises, without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioner.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 05.07.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Secretary,

Municipal Administration,

Secretariat, Hyderabad

2. The Commissioner,

Municipal Corporation of Hyderabad,

Tankbund, Hyderabad

3. The Assistant City Planner,

Municipal Corporation of Hyderabad,

Circle VI, Abids, Hyderabad

4. Two CCs to the Government Pleader

for Municipal Administration and

Urban Development, High Court

Buildings, Hyderabad (OUT)

5. Two CD copies

6. 1 CC to MR.V.SWAMY

*Form-NIC-OGS/WP{**RS**}*